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PART I

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PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O.(Rt.) No. 61/84/LBR. *Dated, Trivandrum, 16th January 1984.*

The award of the Labour Court, Ernakulam in respect of the dispute between the Municipal Commissioner, Trichur and the workmen of the above concern represented by the Secretary, Trichur Municipal Workers Union (AITUC), Trichur-1 received by Government on 19-12-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. Sivadasan,
Deputy Secretary to Government.

In the Labour Court, Ernakulam

Thursday, the 15th day of December, 1983

Present:

Shri N. SUKUMARAN, B. SC., B. L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 290 OF 1979

Between

The Municipal Commissioner, Trichur

And

The workmen of the above concern represented by the Secretary, Trichur Municipal Workers Union (AITUC), Trichur-1.

Representations:—

Shri E. R. Abraham, Advocate, Trichur–3 — For *Management.*

Shri K. Bhavadasan, Advocate Trichur-4 — For *Union.*

G.A. 205/V.

AWARD

This reference was made by Government as per G. O. (Rt.) No.1006/79/L & H dated 18-7-1979. The issue referred is "Punishment of suspension and barring of two increments of Sri K. J. Dasan."

2. Shri Dasan was working as a head Cooli in Ward No. IV of the Trichur Municipality. While so he was transferred to Ward No. V. As Head Cooli it was his duty to supervise the other workers engaged in cleaning work. His immediate superior is the Health Inspector. These are admitted facts.

3. MW2 was the Health Inspector in charge of Ward No. V in September 1976. He had his routine inspection of the workspot where the gang under the supervision of Shri Dasan was engaged on that day. MW2 filed Ext. M2 complaint before his superior, the Health Officer stating as follows :—

Shri Dasan was absent from his workspot at the time of his inspection. On enquiry it was found that he was engaged in reading a newspaper in front of a workshop some distance away from the actual place of work. When questioned about the dereliction in duty Shri Dasan answered in an impertinent manner in the presence of some others that he cannot be expected to be present on the workspot along with the workers.

On the basis of that complaint a show cause notice was issued to Shri Dasan to which he submitted an explanation stating that the Health Officer had some motive to victimise him. He pleaded innocence of the other allegations. That explanation did not find favour with the authorities of the Municipality and therefore a formal charge was framed attributing two items of misconducts, viz., impertinent behaviour to the superior the Health Officer and dereliction in duty. To this also Shri Dasan filed a detailed explanation. That was found unacceptable and a domestic enquiry was conducted. MW1, the then Municipal Commissioner, conducted the enquiry in which Shri Dasan participated. During the course of the enquiry the Enquiry Officer, the Commissioner, issued another additional charge alleging that in the course of the enquiry he at 3 p. m. on 28-10-1976 refused to give proper answers to the questions put by the Commissioner in his capacity as the Enquiry Officer and gave answers in an insolent manner. In answer to that Shri Dasan submitted a written explanation stating that he was in a disturbed state of mind ever since he was placed under suspension and proceedings initiated (he was placed under suspension pending enquiry) and that he may therefore be not misunderstood. He also stated that he never intended to offend the feelings of the Commissioner in any manner and that he is really repenting if he had wounded the feelings of the Commissioner. That was on 29-11-1976. On 14-12-1976 the Municipal Commissioner recorded a statement from him wherein he said that the allegations contained in the additional charge are correct. Thereafter the enquiry was completed and the Enquiry Officer found him guilty

of the original as well as the additional count of offences. The punishment under challenge was awarded on its basis. That punishment includes suspension as a substantive punishment for the period pending enquiry and bar of increment for two years with cumulative effect.

4. Before this Court the Union while pleading innocence of the workman contends that he was victimised by the Municipality. Cancellation of the punishment is requested for alleging that the enquiry was held in violation of all principles of natural justice by a biased enquiry officer.

5. The Municipality in its written statement contended that it is not an industry and the empolyee a workman as those terms are defined in the Industrial Disputes Act and therefore the reference itself is bad. It was also contended that the employee is governed by the Kerala Civil Services (Classification, Control and Appeal) Rules and therefore the proper remedy is to resort to those that are provided therein. The allegation that the Municipality had an idea to victimise the workman was denied. The criticism that the enquiry was not properly conducted is also denied. According to the Municipality the enquiry was conducted in accordance with the well established principles of natural justice and the findings are correct.

6. The question as to whether the provisions of Kerala Civil Services (Classification, Control and Appeal) Rules are to be resorted to by the workman to have appropriate reliefs was considered as a preliminary issue and I found therein that those provisions are applicable and therefore the reference is ineffective and invalid. The validity of that order was challenged by the workman before the High Court in O. P.1437/81 wherein it was held that the remedy under the Industrial Disputes Act is also available. In that judgment the High Court had reserved Municipality's right to raise a contention that the particular wing under which Shri Dasan was working was not an industry. Thereupon the Management had filed an additional written statement raising a contention that the Municipality is not an industry.

7. In view of the additional contention now raised it has become necessary to consider as to whether the Municipality is an industry as per the Industrial Disputes Act. It is conceded before me that the Municipality as such is an industry. But the further contention is that the Health Department where Shri Dasan was working is not operated for profit and therefore that particular Department cannot be treated as an industry. This argument is also not acceptable in view of the pronouncement of the Supreme Court in *Bangalore Water Supply V. A. Rajappa* (1978 I L. L. J. 349) Profit motive is not a criteria for deciding the crucial question as has been said in that case. So this contention is not really available. I find that the Health Department of the Municipality also is an industry and therefore there is a valid industrial dispute available for adjudication.

8. The main question is as to whether Shri Dasan is guilty of the misconducts attributed to him. I shall first dispose of the additional charge were he is a alleged to have refused to answer questions put by the Enquiry Officer and behaved in an insolent manner towards him. The allegation is that he did not answer the questions properly. Shri Dasan was standing trial before the Municipal Commissioner in which he was asked certain questions. He answered the questions. But the Commissioner felt that those answers were not proper. It is very strange that the Commissioner who was acting as the judge at the relevant time assumed his original role of the superior officer and treated the answers given by the workman as unsatisfactory to his own standard and took it as a basis for disciplinary action adding on to the misconducts that were already attributed. A workman standing trial at a domestic enquiry has every right to answer the questions in his own way. He cannot normally be expected to give the answers which the Enquiry Officer wanted. It goes without saying that the Commissioner should not have treated the failure of the workman to give "Proper" answers as a misconduct. The further allegation in this connection is that the workman when he was told that he should give correct answers made certain statements which amounted to impertinence. The workman had submitted a written apology detailing the circumstances under which he behaved in that manner. He said that ever since he was placed under suspension he was not in a balanced state of mind and he answered the Commissioner in those circumstances without realising the seriousness of his words. We have to remember that Shri Dasan though designated as a Head Cooli was only an ordinary cooli as is evident from the evidence available in he case. That is to the effect that an ordinary cooli and the head cooli are on the same ranks and the Head Cooli does not earn any additional remuneration for being designated as such and acting as a supervisor on the workspot. Impertinent words coming from such a person especially when he was in the serious predicament of possible punishment standing trial before his superior officer would have lost his balance when his answers were characterised as insufficient or improper. That act cannot be treated as a misconduct and should not have been taken as a basis for disciplinary proceedings especially in view of the fact that he had expressed regret for such a development. So I have no hesitation to say that the additional count of misconduct attributed to Shri Dasan should not have treated as a misconduct for disciplinary proceedings. So he does not deserve any punishment for the so-called misconduct.

9. Now we are left with the original items of misconducts which are two fold. The only oral evidence in support of the charge is that of the concerned Health Inspector who had raised Ext. M2 complaint. Of course in the enquiry two taxi drivers were examined. They were not examined in the fresh enquiry. The learned counsel appearing on behalf of the Municipality wanted to rely on the evidence recorded at the domestic enquiry also. It is true that in the ordinary circumstances the evidence recorded in the domestic enquiry, the evidence let in connection with the preliminary issue regarding the validity of the same and the

fresh evidence admitted when it is found that the enquiry was not proper are all materials that could be considered for assessing the merits of the case advanced by the employer. But in this case I have found in my Preliminary order, copy of which is appended to this award as an Annexure, that the whole enquiry was vitiated. That being the situation the evidence recorded at the domestic enquiry cannot be relied on to substantiate the misconducts attributed to the workman. In the domestic enquiry the Health Inspector was not examined. I have mentioned in my preliminary order that the Health Inspector, the most competent witness was not examined and the defect is fatal in the absence of reasonable explanation for the non-examination. Now the Health Inspector is examined and he has given evidence in support of the complaint contained in Ext. M2. The only other oral evidence is that of Shri Dasan as WW1. While denying the allegations attributed to him he states that he had earlier raised certain complaints against the Health Inspector and that is the motive for raising a complaint against him. He went to the extent of saying that the Health Inspector was involved in a theft of firewood belonging to the Municipality and that the same was brought to light on a complaint raised by him. These suggestions were put to MW2 when he was in the box. He denied those suggestions emphatically. If as a matter of fact there were such complaints and a suspension of the Health Inspector on its basis as is alleged then it was easy to cause the production of relevant documents. That means that there is only the uncorroborated evidence of the workman in support of the allegation that the Health Inspector had a motive to foist a false case on him. The workman himself had admitted that the Health Inspector had inspected the workspot at the relevant time. He says in cross-examination that he had no duties to be performed on the spot. Of course he denies the allegation that he was not present on the scene. But the trend of his answers would indicate that he had no duties to be performed and therefore he cannot be held liable for dereliction of duty. When the motives attributed to the Health Inspector are not substantiated his evidence corroborated by his report has to be preferred than that of the workman who states in his evidence as well as in the reply that he had no duties to be performed. That he was not actually present on the scene can be inferred from his own evidence that the Health Inspector who inspected the spot had to send for him. If as a matter of fact he was on the spot then there was no necessity or occasion for sending somebody else to fetch him. When all these facts and circumstances are taken together the charge that he was not on the workspot and thereby he was guilty of dereliction in duty is amply established. I find him guilty of that charge.

10. The other charge is that he behaved in an impertinent manner towards the superior officer, the Health Inspector by saying that he will not attend to the duty. For the reasons already mentioned the evidence of MW2 corroborated by Ext. M2 is sufficient in the circumstances of this case to hold that Shri Dasan told the Health Inspector that he was not prepared to obey his directions to attend to the duty properly, Shri Dasan is therefore guilty of this item of the charge also.

11. Now the question of the propriety of the punishment remains. It is true that Sec. 11-A of the Industrial Disputes Act is not applicable since the punishment involves only suspension and withholding of increments. Still we have to consider as to whether the punishment is reasonble or harsh. MW1 had said that these punishments were awarded treating the misconduct at the enquiry as more grave than the initial items of misconduct. I have already found that the additional charge is not sustainable. When that is the position the punishment awarded must necessarily be more severe that what is legitimately awardable. It is in evidence that Shri Dasan has since retired. His retirement benefits must have been considerably affected since the increments were barred with cumulative effect of two years in addition to the substantive punishment of suspension. In these state of affairs the double punishments imposed cannot simultaneous be sustained. Treating the period that was spend under suspension as substantial punishment is sufficient and the bar of increment has to be vacated. I direct that the punishment of bar of increment awarded will stand cancelled and the other item of punishment confirmed. The Municipality will pay the monetary benefits to Shri Dasan as though the bar of increment ordered as a punishment was not inflicted This will apply to monetary benefits while he was in service as well as to retirement benefits. An award is passed accordingly.

(Camp) Kottayam.
15-12-1983.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witness examined on the Management's side:—

MW1 Shri C. C. Kesavan.

MW2 ,, Sadanandan

Witness examined on the Union's side :—

WW1 Shri K. J. Dasan.

Exhibits marked on the Management's side :—

Ext. M1. The file relating to the domestic enquiry.

,, M1 (a) Copy of a memo dated 19-11-1976 (in Ext. M1)

,, M1 (b) A statement of the Shri Dasan dated 14-12-1976(in Ext. M1

,, M2. The complaint of the Health Inspector dated 16-9-1976 regarding Shri Dasan.

ANNEXURE

In the Labour Court, Ernakulam

(Wednesday, the 27th day of April, 1983)

Present :

SHRI N. SUKUMARAN, B.SC., B.L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 290 OF 1979

Between

The Municipal Commissioner, Trichur

And

The workman of the above concern represented by the Secretary, Trichur Municipal Workers Union (AITUC), Trichur-1.

Representations :

Shri E. R. Abraham, Advocate, Trichur-3.	:	For *Management*.
Shri K. Bhavadasan, Advocate, Trichur-4.	:	For *Union*.

ORDER

The issue referred is "punishment of suspension and barring of two increments of Sri K. J.Dasan". Shri Dasan was employed as a Head Cooli in the Trichur Municipality. Disciplinary proceedings were initiated against him by the Municipal Commissioner on the basis of a complaint filed by one of the Health Inspectors of the Municipality. The charge was that Shri Dasan who was deputed to supervise the work of other employees, committed dereliction in duty by neglecting to attend to the same and behaved in an indecent manner towards the Health Inspector who detected the dereliction and questioned him about it. Originally there was a show cause notice to which Shri Dasan submitted his explanations which were found unsatisfactory. Thereupon the Municipal Commissioner framed and issued proper charges to which also explanations called for were submitted. Thereafter the Commissioner himself conducted a domestic enquiry in which Shri Dasan participated. During the course of the enquiry a further charge was raised against Shri Dasan on the allegation that he misbehaved towards the Enquiry Officer when the enquiry was in progress. No independent domestic enquiry was conducted concerning that charge. However the Commissioner in his findings found Shri Dasan guilty of the original as well as the additional items of misconducts. Shri Dasan who was kept under suspension pending enquiry was awarded the punishment of withholding of two increments with cumulative effect for two years. It was also ordered that the period during which he was under suspension will also be treated as a suspension. It is the sustainability of those punishments that are challenged in this reference.

2. Originally the Municipality had raised a contention that the reference itself is not maintainable. I upheld that contention which was later reversed by the High Court in an Original Petition filed by the Union. The case was thereupon reopened and proceeded.

3. Now the Municipality is attempting to support the punishment inflicted by contending that Shri Dasan was really guilty of all the charges raised against him and that the same were all well established in a properly conducted domestic enquiry. The Union that is espousing the cause of the workman while pleading innocence of Shri Dasan attacks the domestic enquiry as one held in violation of all principles of natural justice. Quashing of the punishment and reimbursement of the benefits that are to follow are the reliefs claimed.

4. In view of the contest regarding the validity of the domestic enquiry it was proposed to consider that aspect as a preliminary issue. The Municipal Commissioner who conducted the domestic enquiry was examined as MW1. He proved Ext. M1 as the file containing the relevant papers concerning the domestic enquiry.

5. Disciplinary proceedings were initiated on the basis of a report filed by the Health Inspector in charge of the Ward where Shri Dasan was then working. Shri Dasan had been given opportunities to explain the allegations against him. He had sufficient notice of the domestic enquiry and he participated in it throughout. The quistion now arises as to wehther the enquiry was held by MW1 in accordance with the principles of natural justice. The further question is as to whether the findings are perverse or not.

6. Two witnesses examined on the side of the Municipality at the enquiry are taxi drivers who gave evidence that Shri Dasan was not actually on the work-spot at the time the Health Inspector made a surprise inspection. But the Health Inspector who was the most competent person to speak in support of the complaint was not examined. No reasons whatsoever are stated for the non-examination of the Health Inspector. It is also seen that Shri Dasan was elaborately cross-examined by the Enquiry Officer. The complaint of the Union is that the enquiry was opened with the cross-examination of the workman. This suggestion is not denied by MW1. He only pleaded lapse of memory as to what all happened at the enquiry. He also stated that he had maintained separate notes concerning the progress of the enquiry. Those notes are not produced. Opening the enquiry with the cross-examination of the delinquent is not a healthy practice. That vitiates the enquiry as a whole. That the enquiry Officer cross-examined the delinquent is clear from the statement recorded. It is further clear from the subsequent developments that the Enquiry Officer himself was unhappy about the manner in which Shri Dasan behaved at the enquiry. Shri Dasan refused to answer certain questions put to him by the Enquiry Officer. That was stated as the basis for the additional count of charge raised by the Enquiry Officer himself. The Enquiry Officer when examined before me had stated that Shri Dasan created more complications for himself by his behaviour at the enquiry. Regarding the additional

charge on the basis of such behaviour no domestic enquiry was conducted. Yet he was found guilty of that charge also. Shri Dasan had expressed his protest regarding the manner in which his evidence was recorded even at the enquiry and he signed the deposition with the endorsement that he is signing it against his own free will on compulsion. All these circumstances show that the Enquiry Officer was biased. He was enquiring into the charges when he added on an . additional count of misconduct on the basis of the behaviour towards himself and found the workman guilty of that charge also on his own personal information without an enquiry. In these circumstances the enquiry cannot be treated as one held in accordance with the principles of natural justice. So the whole enquiry is vitiated. It has to be quashed and I do so.

7. In the result it is hereby found that the enquiry was not proper The findings are not acceptable as the enquiry on the whole is vitiated. The Municipality will no doubt be at liberty to attempt to substantiate the charges before this court by fresh evidence if so advised.

Dictated to the Confidential Assistant, transcribed and typed out him, corrected by me and declared in open court on this the 27th day of April, 1983 at Trichur.

N. SUKUMARAN,
Presiding Officer.

Kerala Gazette No. 15 dated 10th April 1984.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 72/84/LBR. *Dated, Trivandrum, 18th January 1984.*

The award of the Labour Court, Ernakulam in respect of the dispute between the President, Porkalam Co-operative Society Ltd. No. 267, Porkalam, Via Pazhanji, Trichur District and the workman of the above concern Shri M. I. Joseph, s/o Manalil Ippunny, Porkalam, Via Pazhanji, Trichur District received by Government on 5-1-1984 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. Sivadasan,
Deputy Secretary to Government.

In the Labour Court, Ernakulam

Saturday, the 31st December, 1983

Present :

Shri N. SUKUMARAN, B. SC., B. L.,
Presiding Officer

INDUSTRIAL DISPUTE No. 325 of 1979

Between

The President, Porkalam Co-operative Society Ltd. No. 267, Porkalam, Via Pazhanji, Trichur District

And

The workman of the above concern Shri M. I. Joseph, s/o Manalil Ippunny, Porkalam, Via Pazhanji, Trichur District.

Representations :—

Shri P. Balakrishnan, Advocate, Trichur-3. ... For *Management*.

Shri K. K. Vasu Panicker, Advocate, Trichur-3. . For *Workman*

G. A. 218/V.

AWARD

Dismissal of Shri M. I. Joseph is the issue referred for adjudication by Government as per G. O. (Rt.) No. 1011/79/L & H dated 18-7-1979.

2. Shri Joseph was a Clerk in charge of the manure and insecticides section of the Management Society. While so disciplinary proceedings were initiated against him alleging that he was guilty of certain misconducts. A domestic enquiry was also ordered. Shri Joseph did not participate in the enquiry. MW1, the Enquiry Officer, held the enquiry in the absence of Shri Joseph and found him guilty. The question as to whether there was a valid domestic enquiry was considered by me as per my preliminary order dated 27-4-1983 and I found therein that the enquiry was not proper. Thereupon the Management adduced fresh evidence before this court. No oral evidence was adduced by the workman after the preliminary order.

3. Shri Joseph was placed under suspension pending enquiry on 6-1-1977. The details of the allegations were not furnished in the suspension order. But a formal charge containing the allegations was framed on 23-3-1977. The following are the allegations :—

I. On 3-1-1977 carbon copies of bill Nos. 7085 and 7094 were tampered to make it appear that the manure sold and the value received are much less than the actuals.

II. Absented without leave on 4-1-1977 and on the next day tampered with documents maintained in the Society.

III. Stock Register of Manure and Insecticides was not properly maintained. There was actually shortage in stock.

IV. Short delivery of manure in weight to customers.

V. Failure to remit the sale proceeds of manure and insecticides in time and thereby committing temporary misappropriation of money.

VI. Impertinent behaviour to the office bearers of the Society and co-workers.

4. MW2, the Secretary of the Society, has given evidence in support of the charges. She has stated generally that Shri Joseph was behaving in an impertinent and impolite manner to herself and the other employees of the Society and therefore she had preferred a complaint before the President. Ext. W7 is a copy of that complaint. It was on the basis of that complaint that Shri Joseph was placed under suspension as per Ext. W8 order. The case of the workman is that he is really innocent and he was suspended without any reasonable basis and later reasons fished out for further action. He is pleading innocence of the charges and claiming reinstatement. The Management contends that the workman was behaving in an abnormal manner in his dealings to the co-workers and he was also committing several irregularities in his dealing with cash and assets of the Society.

5. The main plea of the worker is that he is not guilty of the misconducts attributed to him. He has an alternate plea that he was suffering from some sort of mental aberration and if at all there are any irregularities they have not been intentionally committed and therefore he is innocent and deserves reinstatement with all benefits.

6. As already mentioned Shri Joseph did not participate in the domestic enquiry. His answer for absence was that he was not in a fit state of mental condition to appear at the domestic enquiry and defend himself. This aspect had been considered by me in my preliminary order which is appended to this award as an Annexure and I found therein that there was some justification in this contention. But the evidence available regarding the mental condition of Shri Joseph is concerning only the period after the date of his suspension. There is nothing on record from which it could be said that before the suspension he was suffering from any mental disorder. It may be that the mental disorder was the direct consequence of his suspension. So we have to see as to whether the charges raised against Shri Joseph are established.

7. It is the admitted case that Shri Joseph was the Clerk in charge of sale of manure and insecticides. It is also admitted that it was his duty to maintain proper accounts of the stock and sales of those commodities. There is also no dispute on the case of the Society that Shri Joseph was the custodian of the stock. He was on duty on 3-1-1977. Ext. M 16 (a) contains the counterfoil of bills written on that day. It is the admitted case that the bills of 3-1-1977 were written by Shri Joseph. Ext. M18 at the enquiry is the original of bill No. 7085. That shows that 30 kilograms of factumphose manure was sold to on Shri P. K. Balan for Rs. 57.30. It is evident from the carbon copy available in Ext. M 16 (a) that the original impressions were also as shown in that bill. But it is seen corrected in such a way as to read that the quantity sold was 300 grams for an amount of Rs. 1.60. In Ext. M 17 cash book maintained by Shri Joseph the amount accounted against bill No. 7085 is only Rs. 1.60, but in Ext. M 17 Stock Register the figures as per the original bill are included. Evidently the bill is tampered to show that the collection was only Rs. 1.60 when actually the amount collected was Rs. 57.30. At the same time the correct quantity is entered in the Stock Register so as to adjust the stock accordingly. The irregularity is present apparently on the records for which satisfactory explanation has to be furnished by Shri Joseph. He has not cared to examine himself after the preliminary order to say as to how these discrepancies are occurring. The examination of Shri Joseph as WW1 in connection with the preliminary issue was limited to the justifiability or otherwise of his absence at the domestic enquiry. Then the position is that there is absolutely no evidence on the side of Shri Joseph to explain the discrepancies appearing in the records concerning bill No. 7085. Same is the position regarding bill No. 7094 of the same day. There the actual quantity sold as per the Stock Register is 50 kgms. of potash for Rs. 46.35. The carbon copy of the bill is corrected to make it appear that 500 grams for 48 paise alone was sold.

In the cash book Ext. M17, 48 paise alone is accounted whereas in Ext. M15 Stock Register 50 kgms. is debited as the expenditure. Here also there is no proper explanation from Shri Joseph. So evidently Shri Joseph made the manipulations in the records and he must have appropriated the difference in value. Now there is the alternate plea that Shri Joseph was not in a sound mental stage on 3-1-1977 and therefore he may not be held liable for the irregularities. As already mentioned there is no evidence in support of this plea. So there are no justifiable reasons to say that Shri Joseph is not guilty. He is thus guilty of item No. 1 of the charge.

8. There is no evidence whatsoever in support of item Nos. 2, 4 and 5 of the charge. So I find Shri Joseph not guilty of those items.

9. The gist of item No. 3 of the charge is that the Stock Register was not properly maintained and there was deficiency in stock. That the Stock Register was not properly maintained is evident from the discussions concerning item No. 1 of the charge. There is no acceptable evidence regarding the alleged deficiency since stock verification and the position arrived at are not proved in evidence. The irregularity in the Stock Register need not be considered as an independent charge since that forms part of item No. 1 itself. So I hold that Shri Joseph is not guilty of item No. 3 of the charge also.

10. MW2 had given evidence that Shri Joseph was misbehaving towards co-workers. Nothing has been brought out to discredit the evidence of MW2. Her evidence is supported by the complaint earlier filed which is Ext. W7. In these state of affairs Shri Joseph is found guilty of item No. 6 also.

11. Now remains the question as to whether Shri Joseph is entitled to any relief in the matter of punishment. No previous misconduct is alleged or proved. So he is a first offender. He has put in considerable length of service and is due to retire in a short period. It is also in evidence that Shri Joseph has been suffering from mental. disorder soon after the disciplinary proceedings were initiated. It is true that he had produced a certificate to show that he is now fit to take up responsibilities. But he does not deserve reinstatement when the misconduct proved involves fabrication of records and misappropriation of money. When considering his age and the fact that he is a first offender I feel that dismissal is too harsh to be sustained. A discharge instead of dismissal will meet the ends of justice. So the punishment is converted into one of discharge.

12. In the result an award is passed converting the dismissal of Shri Joseph into one of discharge. The Management is directed to pay Shri Joseph benefits as though he had been discharged on the date on which he was dismissed. Shri Joseph is not entitled to any other reliefs.

Ernakulam,
31-12-1983.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witnesses examined on the Management's side :

MW1 Shri Sidharthan.
MW2 Smt. Kochumary.

Witnesses examined on the Workman's side :

WW1 Shri M. I. Joseph.
WW2 ,, O. J. John.
WW3 Dr. P. K. Sukumaran.

Exhibits marked on the Management's side:

Ext. M 1. The domestic enquiry file.
,, M 2. A petition of Shri Joseph dated 30-3-1977 submitted to the President of the Society.
,, M 3. A medical certificate dated 24-3-1977 issued to Shri M. I. Joseph by Dr. O. J. John.
,, M 4. A petition of Shri Joseph dated 11-4-1977 submitted to the President of the Society.
,, M 5. A medical certificate dated 24-4-1977 issued to Shri M. I. Joseph by Dr. O. J. John.
,, M 5 (a) do. do. dated 23-6-1977.
,, M 5 (b) do. do. dated 14-7-1977.
,, M 5 (c) A medical certificate dated 16-7-1977 issued to Shri M. I. Joseph by Dr. P. K. Sukumaran.
,, M 6. Explanation of Shri Joseph dated 24-4-1977.
,, M 7. A petition of Shri Joseph dated 30-4-1977 submitted to the President of the Society.
,, M 8. do. do. dated 13-5-1977.
,, M 9. A letter dated 19-5-1977 from Shri M. I. Joseph to the President of the Society.
,, M10. A petition dated 27-5-1977 submitted to the President of the Society by the wife of Shri Joseph.
,, M11. do. do. dated 23-6-1977.
,, M12. Copy of a communication communicating the 14th decision of the Director Board of the Society to Shri Joseph.
,, M13. Copy of a memo dated 27-10-1976 issued to Shri M. I. Joseph.
,, M14. Explanation of Shri Joseph dated 9-11-1976.
,, M15. Manure and pesticides stock Register from 1-7-1976.
,, M16. Carbon copy receipt book starting the No. 6101 dated 26-8-1976.
,, M16 (a) Carbon copy receipt book starting the No. 7001 dated 5-11-1976.
,, M16 (b) Carbon copy receipt book starting the No. 7702 dated 30-12-1976.
,, M17. Account book of manure and pesticides from 1-7-1976,
,, M18. Cash book of Manure from 1-7-1976.

Exhibits marked on the Workman's side :

Ext. W 1. Copy of a medical certificate dated 24-3-1977 issued to Shri Joseph by Dr. O. J. John.

,, W 1(a) Copy of a medical certificate dated 15-9-1977 issued to Shri Joseph by Dr. P. K. Sukumaran.

,, W 2. Copy of a medical certificate dated 24-4-1977 issued to Shri Joseph by Dr. O. J. John.

,, W 3. do. do. dated 23-6-1977.

,, W 4. do. do. dated 14-7-1977.

,, W 5. Copy of a medical certificate dated 12-3-1978 issued to Shri Joseph by Dr. P. K. Sukumaran.

,, W6. A medical certificate dated 12-3-1978 issued to Shri M. I. Joseph by Dr. P. K. Sukumaran.

,, W 7. Copy of a complaint dated 6-1-1977 from the Secretary to the President of the Society.

,, W 8. Copy of the suspension order dated 6-1-1977 issued to Sri Joseph.

ANNEXURE.

In the Labour Court, Ernakulam

Wednesday, the 27th day of April, 1983.

Present :

SHRI N. SUKUMARAN, B. SC., B. L.

Presiding Officer

INDUSTRIAL DISPUTE No. 325 of 1979

Between

The President, Porkalam Co-operative Society Ltd. No. 267, Porkalam via Pazhanji, Trichur District

And

The workman of the above concern Shri M. I. Joseph, s/o Manalil Ippunny, Porkalam via Pazhanji, Trichur District

Representations:—

Shri P. Balakrishnan,
Advocate, Trichur-3. .. For *Management*.

Shri K. K. Vasu Panicker,
Advocate, Trichur-3. .. For *Workman*.

ORDER

Shri M. I. Joseph was the Clerk in charge of the manure and insecticides of Porkalam Co-operative Society Ltd. No. 267 (hereinafter referred to as the Society). While so disciplinary proceedings were initiated against him and he was placed under suspension. He was asked to explain certain misconducts attributed to him. That was on 23-3-1977. He did not submit his explanations. Instead he asked for adjournments several times. He also filed medical certificate in support of his applications for time. Several adjournments were granted. But finally the Society ordered a domestic enquiry. MW1, an Advocate, was appointed to conduct the domestic enquiry. He fixed his first sitting to 5-9-1977. That was also adjourned from time to time on the application of the workman till 6-11-1977 on which day there was no representation on behalf of the workman even though he had notice of the enquiry fixed. So the Enquiry Officer held the domestic enquiry in the absence of Shri Joseph and completed it on 6-11-1977 itself. MW1 rendered his findings Ext. M1 that the workman was guilty of the charges. It was accepting this finding that the workman was dismissed with effect from 10-12-1977. The correctness of that dismissal is being challenged before me.

2. Shri Joseph while pleading innocence of the charges states in his claim statement as well as the rejoinder that he was suffering from a mental disease and therefore he was not in a position to appear before the Enquiry Officer and defend himself. The further contention is that the enquiry held in his absence is not justifiable. Reinstatement with all benefits is claimed.

3. The Society in its written statement attempts to support its action by stating that Shri Joseph was given all possible opportunities to defend himself and that all the requests for adjournments were granted by the Society and the Enquiry Officer and finally the enquiry had to be held in his absence only because he did not care to appear. The Society has also a case that Shri Joseph was putting forward the plea of mental disease without any bona fides and the attempt was only to protract the disciplinary proceedings. According to the Society Shri Joseph was guilty of grave misconducts deserving the punishment of dismissal as was found by the Enquiry Officer and therefore he is not entitled to any reliefs.

4. The validity of the domestic enquiry is being tried by me as a preliminary issue in view of the rival contentions. The Enquiry Officer in his evidence as MW1 states that he granted all the requests made for adjournments by Shri Joseph either in person or through his wife and ultimately he held the enquiry ex-parte on 6-11-1977 only because there was no representation by or on behalf of Shri Joseph. Shri Joseph as WW1 has given evidence that he was mentally ill and therefore unable to understand the implications of the charges against him, and that he was also not in a position to defend himself. He has examined WW2 and WW3, two Doctors who had issued medical certificates in support of his illness. WW2 is an Asst. Surgeon in Government Service who had issued Exts. M3, M5 and

M5(a) certificates wherein he had recommended complete rest for Shri Joseph from 24-3-1977 to 23-7-1977. WW2 had given evidence before me that Shri Joseph was suffering from Duodenal Ulcer as mentioned in the certificates. It is further stated by WW2 that this particular disease can cause mental strain and that Shri Joseph was really under some sort of mental confusion at the relevant time. Ultimately WW2 had referred Shri Joseph to WW3 Psychiatrist as per Ext. M5(b) dated 14-7-1977. Ext. M5(c) certificate was issued by WW3 on 16-7-1977 stating that Shri Joseph is suffering from anxiety reaction and therefore a period of absence from duty for two months is necessary. The evidence of WW3 is that Shri Joseph was continuously under his treatment till he issued Ext. W6 fitness certificate on 12-3-1978.

5. The suggestions made in cross-examination to WW2 and WW3 is that the certificates issued by them are false and issued without any basis simply to help Shri Joseph. But this is not a case where Joseph's case that he was mentally ill can be treated as altogether unfounded. It is mentioned in the written statement of the Society that Shri Joseph was behaving in an abnormal manner even when he was in service and therefore it was apprehended that he is likely to commit mischief if he was permitted to handle the affairs of the Society. That is stated as the reason for his immediate suspension pending enquiry. This shows that even the Society had a feeling that Shri Joseph was in some sort of abnormal state of mind. WW2 and WW3 who are Doctors in Government service have also given evidence that Shri Joseph was under severe mental strain as stated in the certificates given by them from time to time. In these state of affairs the oral evidence of these two witnesses and the certificates issued by them are to he given due consideration and weight. The criticism that the certificates were issued without reasonable basis cannot, therefore, he accepted. From the evidenee of WW3 and Ext. W6 fitness certificate it can be seen that Shri Joseph was not in a fit state of mind to defend himself at the domestic enquiry on 6-11-1977. So his absence at the enquiry on that day is perfectly justified. The exparte enquiry held in such circumstance cannot be accepted as proper.

6. In the result I find that there was no proper domestic enquiry. The Management will no doubt he at liberty to opt to adduce fresh evidence before this court to substantiate the charges, if so advised.

Dictated to the Confidential Assistant, transcribed and typed out by him, corrected by me and declared in open court on this the 27th day of April, 1983 at Trichur.

N. SUKUMARAN,
Presiding Officer.

Kerala Gazette No. 15 dated 10th April 1984.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 77/84/LBR. *Dated, Trivandrum, 18th January* 1984.

The award of the Labour Court, Ernakulam in respect of the dispute between Sri. K. J. Poulose, Owner and Employer of Lorry No. KRE 4775, Kannumkadukkail, Edekkattuvayal P. O., Via Aarakunnam, Ernakulam District, and the workmen of the above employer (1) Shri. C. V. David, Cherakkal Veedu, Aarakunnam P. O., Via Mulamthuruthy, Ernakulam District and (2) Sri. T. P. Francis, Thakidiyil House, Aarakunnam P. O., Via Mulamthuruthy, Ernakulam District received by Government on 5-1-1984 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Ernakulam

(Saturday, the 31st December, 1983)

Present :

SHRI N. SUKUMARAN, B.SC., B. L.,
Presiding Officer

INDUSTRIAL DISPUTE No. 85 OF 1980

Between

Shri K. J. Poulose, Owner and employer of Lorry No. KRE 4775, Kannumkadukkail, Edekkattuvayal P. O., Via Aarakunnam, Ernakulam District.

And

The workmen of the above employer (1) Shri C. V. David, Cherakkal Veedu, Aarakunnam P. O., Via Mulamthuruthy, Ernakulam District and (2) Sri. T. P. Francis, Thakidiyil House, Aarakunnam P. O., Via Mulamthuruthy, Ernakulam District.

Representations:—

Shri Abraham Vakkanal, Advocate, Cochin-20. } For *Management*

Shri C. T. Joseph, Advocate, Cochin-16. } For *Workman No. 1.*

G.A 214/S.

AWARD

The issues referred for adjudication by Government as per G. O. (Rt.) No. 1213/80/LBR dated 22-8-1980 are the following:—

"I. Denial of employment to M/s. G. V. David and T. P. Francis.

II. Wages for the period of denial of employment from 13-2-1979."

2. The workman No. 2 Shri T. P. Francis did not appear before me to prosecute his case even though notice was served on him. The other workman Shri David had confined himself to his own case. So the case concerning Shri T. P. Franci need not be considered. The case advanceg by Shri David in the charter of demands, copy of which is appended to the reference, is as follows:—

He was the driver of KRE 4775 lorry from October 1976. Shri K. J. Poulose, the person impleaded as the employer in the reference, forcibly took possession of that lorry in February 1979. Thus Shri David was thrown out of employment and therefore he has to be reinstated.

3. Shri K. J. Poulose in his written statement contends as follows:—

Sarvasree David and Francis, driver and cleaner of the lorry respectively in question voluntarily abandoned their job in February 1979 after settlind all their accounts. Thereafter they have no subsisting claims. But later one Shri K. J. Thomas instituted a suit as O. S. 77/79 before the Sub Court, Ernakulam concerning that lorry. The prior employees are instigated by Shri Thomas to raise a false claim without any reasonable basis. The workmen are not entitled to any reliefs. No rejoinder was filed by Shri David.

4. The point arising for consideration is as to whether there was a denial of employment or an abandonment. Shri David has given evidence as WW1. That is all the oral evidence on the side of the workman. The oral evidence on the side of the employer is limited to his testimony as MW1. The documents available are Exts. M1, M2 and W1. Ext. W1 is the copy of the written statement filed by the employer Shri Poulose in O. S. 77/79. Shri Poulose had stated in Exts. W1 that he has taken possession of the lorry when he had information that Shri Thomas in collusion with the driver and cleaner was planning to remove it to a workshop for dismantling. In the evidence MW1 had admitted that he took possession of the lorry at Palarivattom in the circumstances stated in Ext.W1. So the contention that the workman voluntarily left on settling the accounts cannot be accepted as genuine. The circumstance revealed in evidence would indicate that the lorry was taken from the driver and the cleaner when they were colluding with the rival claimant Shri Thomas. If that be

so there could not have been a voluntarily abandonment on settlement of accounts. It is admitted by MW1 that the driver was employed by him. The lorry was taken possession of from the driver who was employed and there is no case that he was provided employment later. It is also evident that there was some partnership business between Poulose and Thomas and they fell out resulting in the litigation concerning the right of the lorry. We are not much concerned with those developments. The circumstances available are sufficient to indicate that the lorry was forcibly taken by Shri Poulose from the driver and the cleaner thereby putting them out of job which they were doing. So this is a case of denial of employment and not abandonment after settlement of accounts.

5. Now the question remains as to what reliefs Shri David is entitled to. It is admitted by him that he has work as a driver elsewhere now. There is also indication in evidence that he is siding with Shri Thomas in the other litigation. It is admitted that Advocate Shri P. V. Cherian is appearing for Shri Thomas in the civil case. Ext. W1 attested copy of the written statement is seen to have been obtained from the court on the application of Advocate Shri Cherian. WW1 had admitted before me that he had not engaged Shri Cherian for any purpose. Thus it is clear that Shri Thomas is the person who supplied Ext. W1 copy to WW1. In these State of affairs it will be unjust to order reinstatement of Shri David. He is already having another job as a driver. So he need be paid only compensation. There is no dispute regarding the length of service. It was from October 1976 to the middle of February 1979. It is only 2½ years roughly. Shri David had stated that he was getting Rs.20 per day over and above batta. The genuineness of this claim is not challenged. Monthly emoluments for an average of 25 working days is Rs. 500. Considering the length of service and other circumstances three months salary will be adequate compensation. Sbri David is entitled to only to that relief.

6. In the result an award is passed directing the Management to pay Rs. 1,500 (Rupees one thousand and five hundred only) as compensation to Shri David. He is not entitled to any other relief. Shri Francis, the other workman, is not entitled to any reliefs at all as he has not appeared to prosecute his case.

Ernakulam.
31-12-1983.

N. SUKUMARAN,
Presiding Officer.

APPENDIX

Witness examined on the workman's side :

WW1 Shri C. V. David.

Witness examined on the Management's side :

MW1 Shri K. J. Poulose.

Exhibit marked on the workman's side :

Ext. W1. Attested copy of the written statement of Shri K. J. Poulose in O.S.No.77/79 on the file of the Subordinate's Court, Ernakulam.

Exhibits marked on the Management's side:

Ext. M1. A letter dated 6-8-1979 from the District Labour Officer to Shri K. J. Poulose.

,, M2. Copy of a letter dated 20-8-1979 from Shri K. J. Poulose to the District Labour Officer.

Kerala Gazette No. 15 dated 10th April 1984.
PART I **Section iv**

GOVERNMENT OF KERALA

Public Works (E) Department

NOTIFICATION

G. O. (MS) No. 27/84/PW. *Dated, Trivandrum, 17th March* 1984.

S.R.O. No. 357/84.—In exercise of the powers conferred by subsection (1) of section 25 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby exempt in public interest the buildings owned by the Kerala Health Research and Welfare Society from all the provisions of the said Act.

By order of the Governor,
C. K. K. PANICKER,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

It has become necessary in public interest to exempt the buildings owned by the Kerala Health Research and Welfare Society from all the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965) under the powers conferred by sub section (1) of section 25 of the said Act. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Taxes (D) Department

ERRATUM

G.O. MS. No. 47/84/TD. *Dated, Trivandrum, 21st March* 1984.

S R.O No. 358/84.—In the Notification published under G.O. MS. 32/84/TD dated the 23rd February, 1984 as S. R. O. No. 191/84 in the Kerala Gazette Extraordinary No. 152 dated the 25th February, 1984 for "powers and duties upon the Inspector General of Registration" read "powers and duties conferred and imposed upon the Inspector General of Registration".

By order of the Governor,
U. Mahabala Rao,
Commissioner and Secretary to Government.
(Taxes and Labour Department)

Explanatory Note

(This notification is intended to supply an omission in the Notification issued in G.O. Ms. 32/84/TD dated 23-2-1984)

GOVERNMENT OF KERALA

Transport Fisheries & Ports (Transport 'A') Department

NOTIFICATION

No. 8455/TA1/84/TF&P. *Dated, Trivandrum, 23rd March* 1984

S.R.O.No. 359/84—In exercise of the powers conferred by sub-section (2) of section 5 of the Road Transport Corporations Act, 1950 (Central Act 64 of 1950), the Government of Kerala hereby appoint Shri P. C. George, M.L.A., Plathottathil, Erattupettah-2, as a non-official member in the Board of Kerala State Road Transport Corporation, constituted under G.O. Rt. No. 693/82/TF&PD. dated the 17th August, 1982, published as S.R.O. No. 987/82 in the Kerala Gazette Extraordinary dated the 17th August, 1982, and make, the following consequential amendment to the said notification, namely:—

AMENDMENT

In the said notification, after item 11 and the entries against it, the following item and entries shall be added, namely:—

"12. Shri. P. C. George, M.L.A.—Non-official Member".
Plathottathil,
Erattupettah-2.

By order of the Governor,

V. A. AUGUSTINE,

Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to bring out the main purport).

Government have decided to increase the members of non-official members in the Board of the Kerala State Road Transport Corporation from four to five. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Revenue (B) Department

DECLARATION

No. 53608/B1/83/RD. *Dated, Trivandrum, 1st March* 1984.

S.R.O.No. 360/84.—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India, the President has in Notification No. 2/4/63/Judicial II dated, the 31st May, 1963, entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to the acquisition of lands for the purpose of the Union in the State of Kerala;

And whereas, under sub-section (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962) Notification No. 25111/B1/81/RD dated, the 17th June, 1981 has been published as S.R.O. No. 715/81 in the Kerala Gazette Extraordinary No. 476 dated the 20th June, 1981 and Notification No. 14429/B1/82/RD dated the 2nd April, 1982 has been published as S.R.O. No. 565/82 in Part I of the Kerala Gazette No. 18 dated the 4th May, 1982 in respect of the lands specified in the Schedule below;

And whereas, under subsection (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the said Act shall not apply to the lands specified in the Schedule below;

And whereas, the Government are satisfied that the said lauds have to be acquired for a public purpose;

Now, therefore, the Government of Kerala hereby declare under section 6 of the said Act that the lands specified in the schedule below and measuring 54.70 ares, be the same a little more or less, are needed for a public purpose to wit, for short cut road from Kanipur to the Valiamala range for VSSC and under section 7 of the said Act direct the Special Land Acquisition Officer, Public Works Department (Southern Circle), Trivandrum to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the said Act, the Government directt hat the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the Act.

A plan of the lands is kept in the Office of the Special Land Acquisition Officer, Public Works Department (Southern Circle), Trivandrum and may be inspected at any time during office hours.

SCHEDULE

District—Trivandrum.

Taluk—Nedumangadu *Village*—Nedumangadu.

(The extent given is approximate)

Sl. No.	*Sy. Nos.*	*Description of land*	*Extent*	
			A	Sq. m.
1	385/5	Dry land	2	60
2	387/1	Wet land	9	50
3	388/5	Dry land	3	90
4	437/8	,,	7	70
5	438/11	,,	3	80
6	440/11	,,	11	90
7	440/12	,,	8	20
8	440/13	,,	4	15
9	440/14	,,	—	35
10	440/15	,,	2	60
		Total	54	70

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport.)

The President of India by his notification No. 2/4/63/Judl. II dated 31-5-1963 has entrusted the Government of Kerala with their consent, to acquire land for the purpose of Central Government in the State. This land acquisition is for the construction of a short cut road to Valiamala for Vikram Sarabai Space Centre. It appears to the State Govt. that the lands mentioned in the Schedule above are urgently needed for the above purpose.

The declaration is intended to achieve the above object.

എസ്. ആർ. ഓ. നമ്പർ 360/84.—ഇൻഡ്യൻ ഭരണഘടന 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നല്കപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, പ്രസിഡന്റ്, 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന വിജ്ഞാപനപ്രകാരം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) അനുസരിച്ചുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചിരിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 3-ാം വകുപ്പ് (1)-ാം ഉപ

വകുപ്പുപ്രകാരമുള്ള 1981 ജൂൺ 17-ാം തീയതിയിലെ 25111/ബി1/81/ആർഡി എന്ന നമ്പർ വിജ്ഞാപനം 1981 ജൂൺ 20-ാം തീയതിയിലെ 476-ാം നമ്പർ അസാധാരണ കേരള ഗസററിൽ എസ്. ആർ. ഒ. 715/81 എന്ന നമ്പരിലും 1982 ഏപ്രിൽ 2-ാം തീയതിയിലെ 14429/ബി1/82/ആർ. ഡി. എന്ന നമ്പർ വിജ്ഞാപനം 1982 മേയ് 4-ാം തീയതിയിലെ 18-ാം നമ്പർ കേരള ഗസററിൻെറ I-ാം ഭാഗത്തു എസ്. ആർ. ഒ. 565/82 എന്ന നമ്പരിലും പ്രസിദ്ധീകരിച്ചിട്ടുള്ളതിനാലും ;

സംഗതിയുടെ അടിയന്തിര സ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള സർക്കാർ പ്രസ്തുത ആക്ററ് 5-ാംവകുപ്പിലെ വ്യവസ്ഥകരം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിക്ക് ബാധകമാകുന്നതല്ലെന്ന് നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും ;

പ്രസ്തുത ഭൂമി ഒരു പൊതു ആവശ്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് സർക്കാരിനു ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും ;

ഇപ്പോരം, അതിനാൽ പ്രസ്തുത ആക്ററ് 6-ാം വകുപ്പു പ്രകാരം കേരള സർക്കാർ താഴെപട്ടികയിൽപറഞ്ഞിട്ടുള്ളതും 54.70 ആർ വിസ്തീർണ്ണമോ അതിൽ അല്പംകൂടുതലോ കുറവോ വരുന്നതുമായ ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത്, വിക്രംസാരാഭായി സ്പേസ് സെൻറിനുവേണ്ടി കരിപ്പൂരിൽ നിന്ന് വലിയമല റേഞ്ചിലേക്ക് ഒരു എളുപ്പ വഴി നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, പ്രസ്തുത ആക്ററ് 7-ാം വകുപ്പുപ്രകാരം ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് വാങ്ങുന്നതിന് തിരുവനന്തപുരം പൊതുമരാമത്ത് (സതേൺ സർക്കിരം) സ്ഥലമെടുപ്പ്സ്പെഷ്യൽ ആഫീസറോടെ നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. മാത്രമല്ല, പ്രസ്തുത ആക്ററ് 9-ാം വകുപ്പ് (1)-ാംഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധീകരിക്കുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിയുമ്പോരം കളക്ടർക്ക് പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്താവുന്നതാണെന്ന് പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം സർക്കാർ നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

പ്രസ്തുത സ്ഥലത്തിൻെറ ഒരു പ്ലാൻ തിരുവനന്തപുരം പൊതുമരാമത്ത് (സതേൺ സർക്കിരം) സ്പെഷ്യൽ സ്ഥലമെടുപ്പ് ആഫീസറുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ് സമയത്ത് എപ്പോരം വേണമെങ്കിലും അത് പരിശോധിക്കാവുന്നതുമാകുന്നു.

പട്ടിക

ജില്ല—തിരുവനന്തപുരം

താലൂക്ക്—നെടുമങ്ങാട് വില്ലേജ്—നെടുമങ്ങാട്

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	സ്ഥലത്തിൻെറ വിവരണം	വിസ്തീർണ്ണം ആർ	ച.മീ.
(1)	(2)	(3)	(4)	
1	385/5	പുരയിടം	2	60
2	387/1	നിലം	9	50
3	388/5	പുരയിടം	3	90
4	437/8	,,	7	70

(1)	(2)	(3)	(4)	
5	438/11	പുറയിടം	3	80
6	440/11	,,	11	90
7	440/12	,,	8	20
8	440/13	,,	4	15
9	440/14	,,	—	35
10	440/15	,,	2	60
		ആകെ	54	70

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

ഇൻഡ്യൻ പ്രസിഡന്റ് 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം ഈ സംസ്ഥാനത്തു കേന്ദ്ര സർക്കാരിന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ ഭരമേൽപ്പിച്ചിട്ടുള്ളതും, മുകളിൽ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിനു; അതായത് വിക്രംസാരാഭായ് സ്പേസ് സെന്ററിനുവേണ്ടി വലിയ മലയിലേക്കു ഒരു എളുപ്പവഴി നിർമ്മിക്കുന്നതിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതുമാകുന്നു.

മേൽപറഞ്ഞ ആവശ്യം നിറവേററുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,
N. M. Samuel,
Deputy Secretary to Government.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-B) Department

NOTIFICATION

G.O.Rt. No. 187/84/TF & P. *Dated, Trivandrum, 12th March* 1984.

S. R. O. No. 361/84.—Whereas the Principal, School of Our Lady, Ruby Nagar, Changanacherry has proposed to convert their contract carriage into an omnibus, a non-transport vehicle, the details of which are hereunder given, for the use of their School.

And whereas, the overall width of the vehicle exceeds the limit specified in clause (i) of sub rule (1) of rule 3 of the Overall Dimensions of Transport Vehicles and Tyres Rules, 1982;

And whereas, the Government of Kerala are satisfied that the said vehicle with such excess measurements in overall width is suitable for carrying out a work of public purpose, namely, the conveyance of students and staff of the said School without realising hire or reward;

Now, therefore, in exercise of the powers conferred by the second proviso to sub-rule (1) of rule 3 of the Overall Dimensions of Transport Vehicles and Tyres Rules, 1982, the Government of Kerala hereby exempt the said vehicle from the provisions of clause (i) of sub-rule (1) of rule 3 of the said Rules.

DETAILS OF THE VEHICLE

Registration No.—K R K 4926
Class of Vehicle—Omnibus
Overall width—246 centimetres.

By order of the Governor,
V. A. AUGUSTINE,
Additional Secretary to Government.

Explanatory Note

(This is not part of the notification but is intended to indicate its main purport).

Smt. Thankamma Kandankary, Principal, School of Our Lady has requested the Government to exempt the vehicle mentioned in the above notification from the provisions of rule 3 (1) (i) of the overall Dimensions of Transport Vehicles and Tyres Rules, 1982 since the overall width of the vehicle which is converted as omnibus exceeds prescribed limit. Government have considered the request in consultation with the Transport Commissioner and have decided to grant the exemption sought for. Hence this notification.

Kerala Gazette No. 15 dated 10th April 1984.
PART I

Section iv

GOVERNMENT OF KERALA

Water and Power (Inter State Waters) Department

NOTIFICATION

No. 33451/IW3/83/W&P. *Dated, Trivandrum, 21st February* 1984.

S. R. O. No. 362/84.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the lands mentioned in the Schedule hereto annexed in respect of which land acquisition proceedings were initiated by the issue of Notification No. A. 1764/80 dated the 27th January, 1981 by the Special Tahsildar, Land Acquisition, Kanhirapuzha Irrigation Project, Kadampazhipuram under subsection (1) of section 3 thereof, published in the Malayala Manorama daily dated the 8th February, 1981 and the Mathrubhumi daily dated the 10th February 1981 and the Declaration No. L.Dis. 18070/81/LRC1 dated the 7th May, 1981 by the Board of Revenue under section 6 of the said Act published in the Janayugom daily dated the 28th May, 1981 and Malayala Manorama daily dated the 28th May, 1981.

Schedule

District—Palghat. *Taluk*—Ottappalam.
Village—Kadampazhipuram. Desom—Kadampazhipuram.

Sl. No. in the declaration.	*Survey No.*	*Description*	*Extent in Hectare*
3	139/15	Garden	0.0050
8	139/20	do.	0.0738

Explanatory Note

(This is not part of the notification but is intended to indicate its general purport).

Sy. Nos. 139/15 and 139/20 of Kadampazhipuram Desom, Kadampazhipuram Village, Ottappalam Taluk was proposed for acquisition for the formation of Block IV of Mannampatta No 1 Distributory. But on further inspection it is found that the lands covered by Sy. Nos. 139/15 and 139/20 are lying out-side the alignment. Hence the acquisition proceedings already taken have to be withdrawn in respect of Sy. Nos. 139/15 and 139/20 of Kadampazhipuram Desom, Kadampazhipuram Village, Ottappalam Taluk. Hence the withdrawal notification.

G. 332.

എസ്. ആർ. ഒ. നമ്പർ 362/84 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ്(1)-ാം ഉപവകുപ്പുപ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1981 ഫെബ്രുവരി 8-ാം തീയതിയിലെ മലയാളമനോരമ ദിനപ്പത്രത്തിലും 1981 ഫെബ്രുവരി 10-ാം തീയതിയിലെ മാതൃഭൂമി ദിനപ്പത്രത്തിലും പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള 1981 ജനുവരി 27-ാം തീയതിയിലെ എ1764/80 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ട് കടമ്പഴിപ്പുറത്തെ കാഞ്ഞിരപ്പുഴ ജലസേചനപദ്ധതി സ്ഥലമെടുപ്പു സ്പെഷ്യൽ തഹശീൽദാർ സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതും 1981 മേയ് 28-ാം തീയതിയിലെ ജനയുഗം ദിനപ്പത്രത്തിലും 1981 മേയ് 28-ാം തീയിലെ മലയാളമനോരമ ദിനപ്പത്രത്തിലും പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 6-ാം വകുപ്പു പ്രകാരമുള്ള റവന്യൂബോർഡിന്റെ 1981 മേയ് 7-ാം തീയതിയിലെ എൽ.ഡിസ്. 18070/81 എൽ.ആർ.സി 1 എന്ന നമ്പർ പ്രഖ്യാപനം പുറപ്പെടുവിച്ചിട്ടുള്ളതുമായ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിൽനിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല: —പാലക്കാട്. താലൂക്ക്:—ഒറ്റപ്പാലം.

വില്ലേജ്:—കടമ്പഴിപ്പുറം. ദേശം—കടമ്പഴിപ്പുറം.

പ്രഖ്യാപനങ്ങളിലെ ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
3	139/15	തോട്ടം	0.0050
8	139/20	,,	0.0738

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

ഒറ്റപ്പാലം താലൂക്കിൽ കടമ്പഴിപ്പുറം വില്ലേജിൽ കടമ്പഴിപ്പുറം ദേശത്ത് 139/15, 139/20 എന്നീ സർവ്വേനമ്പരുകളിൽപ്പെട്ട സ്ഥലം മണ്ണംപറ്റ (1)-ാം നമ്പർ ഉപകനാലിന്റെ IV-ാം ബ്ലോക്ക് പണിയുന്നതിനുവേണ്ടി വിലയ്ക്കെടുക്കുവാൻ ഉദ്ദേശിച്ചിരുന്നു. എന്നാൽ കൂടുതൽ അന്വേഷണത്തിൽ 139/15, 139/20 എന്നീ സർവ്വേ നമ്പരുകളിൽപ്പെട്ട ഭൂമിഏകരേഖണത്തിനു പുറത്താണെന്ന് കണ്ടു. അതിനാൽ ഒറ്റപ്പാലം താലൂക്കിൽ കടമ്പഴിപ്പുറം വില്ലേജിൽ കടമ്പഴിപ്പുറം ദേശത്ത് 139/15, 139/20 എന്നീ സർവ്വേ നമ്പരുകളെ സംബന്ധിച്ച് എടുത്തിട്ടുള്ള സ്ഥലമെടുപ്പു നടപടികൾ പിൻവലിക്കേണ്ടിയിരിക്കുന്നു. അതിനാലാണ് ഈ പിൻവാങ്ങൽ വിജ്ഞാപനം പുറപ്പെടുവിക്കുന്നത്.

By order of the Governor,

B. VASANTHI,

Joint Secretary to Government.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

G. O. (MS) No. 190/83/LA & SWD. *Dated, Trivandrum, 5th November* 19

S. R. O. No. 363/84.—Under subsection (1) of section 52 of the Ker Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala her withdraw from the acquisition of the lands mentioned in the Schedule her annexed in respect of which land acquisition proceedings were initia by the issue of Notification No. A. 9223/76 dated the 1st November, 1 by the Assistant Collector, Ottapalam under subsection (1) of section thereof, published at page 127 of part III of the Kerala Gazette dated 9th September, 1979 and the declaration under section 6 of the said published at page 1164 in Part III of the Kerala Gazette dated the 1 June 1980.

SCHEDULE

District—Palghat. *Taluk*—Ottapa

Village—Thirumittacode-I. *Desom*—Thirumittac

Sl. No.	*Survey No.*	*Description*	*Extent in Hecta*
1	254/2B	O. D.	0.2720
2	255 2	U. D.	0.1125
3	255/4	U. D.	0.0375
		Total	0.4220

Explanatory Note

(This does not form part of the notification but is intended to ind its general purport.)

The Executive Officer, Thirumittacode Panchayat has requested the land in Sy. Nos. 254/2B, 255/2 and 255/4 proposed for acquisition fo Thirumittacode—Cheenikkazhaya Road need not be acquired and l the acquisition proceedings initiated in respect of the land in Sy. 254/2B, 255/2, 255/4 mentioned in the 3 (1) notification and draft de tion have to be withdrawn.

This is intended to achieve the above object.

G. 1671

എസ്. ആർ. ഒ. നമ്പർ 363/84.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് 1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം കേരള സർക്കാർ, ഇതോടൊപ്പം ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും, 1979 സപ്ററംബർ 9-ാം തീയതിയിലെ കേരള ഗസററ് III-ാം ഭാഗത്ത് 127-ാം പജിൽ പ്രസിദ്ധീകരിച്ച പ്രസ്തുത ആക്ട് 3-ാം വകുപ്പ് (1)-ാം ഉപ വകുപ്പ് പ്രകാരമുള്ള 1978 നവംബർ 30-ാം തീയതിയിലെ എ.9223/76 എന്ന നമ്പർ വിജ്ഞാപനവും 1980 ജൂൺ 10-ാം തീയതിയിലെ കേരള ഗസററ് II-ാം ഭാഗത്ത് 1164-ാം പേജിൽ പ്രസിദ്ധീകരിച്ച പ്രസ്തുത ആക്ട് 6-ാം വകുപ്പുപ്രകാരമുള്ള പ്രഖ്യാപനവും പുറപ്പെടുവിച്ചുകൊണ്ട് ഒററപ്പാലം അസി സ്ററൻറ് കളക്ടർ സ്ഥലമെടുപ്പു നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽനിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—പാലക്കാട് — താലൂക്ക്—ഒററപ്പാലം.

വില്ലേജ്—തിരുമിററക്കോട്-I. — ദേശം—തിരുമിററക്കോട്.

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
1.	254/2ബി	ഒ.ഡി.	0.2720
2.	255/2	യു.ഡി.	0.1125
3.	255/4	യു.ഡി.	0.0375
		ആകെ	0.4220

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിൻെറ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

തിരുമിററക്കോട്—ചീനിക്കഴായ റോഡിനുവേണ്ടി വിലയ്ക്കെടുക്കുന്ന തിനു നിർദ്ദേശിച്ചിട്ടുള്ള 254/2 ബി, 255/2, 255/4 എന്നീ സർവ്വെ നമ്പരുകളിൽപ്പെട്ട സ്ഥലം വിലയ്ക്കെടുക്കേണ്ട ആവശ്യമില്ലെന്ന് തിരുമിററക്കോട് പഞ്ചായത്ത് എക്സിക്യൂട്ടീവ് ആഫീസർ അറിയിച്ചു. അതിനാൽ 3 (1)-ാം നമ്പർ വിജ്ഞാപനത്തിലും കരട് പ്രഖ്യാപനത്തിലും പറഞ്ഞിട്ടുള്ള 254/2ബി, 255/2, 255/4 എന്നീ സർവ്വെ നമ്പരുകളിൽപ്പെട്ട സ്ഥലങ്ങളെ സംബന്ധിച്ച് ആരംഭിച്ചിട്ടുള്ള സ്ഥലമെടുപ്പു നടപടികൾ പിൻവലിക്കേണ്ടിയിരിക്കുന്നു.

മേൽപ്പറഞ്ഞ ആവശ്യം നിറവേററുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,
V. R. PADMANABHAN,
Joint Secretary to Government.

GOVERNMENT OF KERALA

Taxes (E) Department

NOTIFICATION

G.O (MS) No. 40/84/TD. *Dated, Trivandrum, 5th March* 1984

S. R. O. No 354/84.—In exercise of the powers conferred by clause (d) of subsection (1) of section 83 of the Registration Act, 1908 (Central Act 16 of 1908) the Government of Kerala hereby specify the Office of the Director, Central Marine Fisheries Research Institute, Cochin as a public office for the purposes of the said section.

By order of the Governor,
U. Mahabala Rao,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Director, Central Marine Fisheries Research Institute Cochin has requested to exempt him from personal appearance in Registration offices for executing release deeds in connection with House Building Advance sanctioned to the staff of the Institute. Government decided to sanction this request. The above notification is intended to achieve this object.



GOVERNMENT OF KERALA

Abstract

THE KERALA GOVERNMENT LAW OFFICERS (APPOINTMENT AND CONDITIONS OF SERVICE) AND CONDUCT OF CASES RULES 1978—AMENDMENT ISSUED

LAW (INSPECTION WING) DEPARTMENT

G.O. (P) 31/84/Law. Dated, Trivandrum, 17th March 1984.

NOTIFICATION

S.R.O.No.365/84.—In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby make the following Rules further to amend the Kerala Government Law Officers (Appointment and Conditions of Service) and Conduct of Cases Rules, 1978, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Government Law Officers (Appointment and Conditions of Service) and Conduct of Cases (Amendment) Rules, 1984.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Government Law Officers (Appointment and Conditions of Service) and Conduct of Cases Rules, 1978, in rule 60,

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) The Advocate General shall forward copies of all original petitions, tax references, tax revisions and other proceedings of an original character filed in the High Court regarding which he receives notices and of all interlocutory applications, wherein interim orders are sought to be passed—

(a) to the Administrative Department in the Secretariat, in cases in which orders or actions of the Government are challenged;

(b) to the District Officer or the Head of the Department as the case may be, in cases in which any action of the District Officer or the Head of the Department is challenged; and

(c) to the subordinate officer, in cases in which his action is challenged:

Provided that in cases where no substantial question challenging Government Orders or actions or requiring Government attention is involved, copies of such original petitions may be forwarded to the Head of the Department, District Officer or subordinate Officer, as the case may be, even if Government is also impleaded as a formal party.";

(ii) after sub-rule (4) the following sub-rule shall be inserted, namely:—

(4A) The Head of the Department, District Officer or Subordinate Officer, as the case may be, to whom copies have been forwarded by the Advocate General under sub-rule (1) shall within four weeks from the date of receipt of the papers, prepare a draft statement of facts answering paragraph by paragraph all the averments in the petition and forward the same to the Advocate General. All the relevant records and documents should also be sent to the Advocate General along with the statement of facts. The Advocate General should not be requested to return the records and documents until the case is over, except in exceptional circumstances:

Provided that in cases in which Government is also impleaded as a formal party, the Head of the Department, District Officer or Subordinate Officer, as the case may be, shall forward a copy of the statement of facts simultaneously to the Government also. If, on receipt of a copy of the statement of facts, the Government consider that the counter affidavit in the case should await clearance of the Government, they shall so inform the Advocate General and the Head of the Department/District Officer/Subordinate Officer concerned, and also whether the Government intends to file a counter affidavit. If the Advocate General or the Government Pleader dealing with the case at the High Court feels that any aspect of the case calls for the attention of the Government, he shall also take it up with the Government.";

(iii) for sub-rule (5), the following sub-rule shall be substituted, namely:—

"(5) The counter affidavits or statement of defence prepared in the case shall be sent to the Administrative Department, Head of the Department, District Officer, or Subordinate Officer, as the case may be, for being sworn to or signed:

Provided that the procedure stated above is not applicable in the case of interlocutory matters on which the Liaison Officer is authorised to swear to affidavits on behalf of the Government or Departmental Officers on the basis of the information available from the files in particular cases. In such cases it would be enough, if the Government or the Head of the Department

or the District Officer or the subordinate Officer, as the case may be, furnished to the Liaison Officer direct necessary facts and materials to prepare counter affidavit and statement of defence.".

By order of the Governor,
K. SREEDHARAN,
Law Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

According to rule 60 of the Kerala Government Law Officers (Appointment and Conditions of Service) and Conduct of Cases Rules, 1978 all counter affidavits shall be scrutinised by Government and which causes delay in filing counter affidavits. For expediting the filing of counter affidavits in the High Court it is decided to categorise the Original Petitions into three namely:—(1) those involving District Officers or Heads of Departments (2) those involving Government but only as a nominal party; and (3) those in which the Government is directly a party. In the first category of Original Petitions the District Officers or Heads of Departments concerned should directly file the counter affidavits without the approval of Government. In the second category also the concerned officer should send the statement of facts to the Advocate General with a copy to Government The Government would then take a view whether the counter affidavit should await clearance from Government and inform the Advocate General and the officer concerned if the Government intended to file counter affidavit. In the third type of cases the statement of facts should be sent to the Government Pleader only after approval by Government. The Amendment is intended to achieve the above purpose.

To

All Heads of Departments.
All Departments of the Secretariat.
The Accountant General, Kerala, Trivandrum.
All District Collectors.
All Panel Counsels and Standing Counsels.
All Government Pleaders and Public Prosecutors.
The Registrar, High Court, Ernakulam.
The Private Secretary to Chief Minister.
The Private Secretaries to all Ministers.
The Under Secretary to Chief Secretary.
The General Administration Department (SC).
The Superintendent of Government Presses, Trivandrum.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

G. O. (Ms.) No. 32/84/LA & SWD. *Dated, Trivandrum, 14th February* 1984.

S. R. O. No. 366/84.—In exercise of the powers conferred by sub-section (1) of section 142 of the Kerala Panchayats Act, 1960 (32 of 1960), and at the request of the Kottukal Panchayat contained in its resolution No. I/(1) dated the 22nd July, 1983, the Government of Kerala hereby declare that the provisions of Law relating to the Municipalities mentioned in the Schedule below, shall be extended to, and be in force, in the Kottukal Panchayat area in Trivandrum District, with effect on and from 25-4-1984.

SCHEDULE

Clause (3), (4), (16), (28), (30), (33) and (39) of Section 3, provisions of Chapters IX and X, sections 347, 349, 350, 352, 355, 359, 363, 364 and 365 in so far as they relate to matters specified in Chapters IX and X of the Kerala Municipalities Act, 1960 (14 of 1961), and the provisions regarding Penalties specified in Schedules V and VI of the said Act for the contravention of sections 196, 197, 202, 204, 205, 207, 209 to 213, 215, 216, 218 to 222, 223 to 227 and 245 thereof and the Kerala Municipal Buildings Rules, 1968.

By order of the Governor,
V. R. PADMANABHAN,
Joint Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Kottukal Panchayat in Trivandrum District, has requested to enforce certain provisions of the Kerala Municipalities Act, 1960 and the Kerala Municipal Buildings Rules, 1968 to its area. The Director of Panchayats, in consultation with the Chief Town Planner, has recommended the request of the Panchayat. Government are therefore, pleased to accept the proposal for enforcing the provisions and regulations shown in the schedule in Kottukal Panchayat.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

No. G. O. (Rt.) 330/84/LBR. *Dated, Trivandrum, 14th March* 1984.

S. R. O. No. 367/84.—In exercise of the powers conferred by section 5 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960), the Government of Kerala being satisfied that public interest so requires, hereby exempt the National Bank for Agriculture and Rural Development, Trivandrum from all the provisions of the said Act.

By order of the Governor,

U. MAHABALA RAO,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

As per Notifications Nos. G.O. (Ms.) 61/81/LBR dated 25-7-1981 and G. O. (Ms.) 13/82/LBR dated 31-3-1982 all Scheduled Commercial Banks and Nationalised Banks have been exempted from the provisions of the Kerala Shops and Commercial Establishments Act, 1960. The Deputy General Manager, National Bank for Agriculture and Rural Development, Trivandrum has requested that similar exemption may be granted to that Bank also. Government have decided to grant exemption to the above Bank from the provisions of the Kerala Shops and Commercial Establishments Act, 1960.

This Notification is intended to achieve the above purpose.

Kerala Gazette No. 15 dated 10th April 1984.
PART I **Section iv**

GOVERNMENT OF KERALA

Agriculture (Co-operation C) Department

NOTIFICATION

No. 72673/CC3/83/AD. *Dated, Trivandrum, 8th March* 1984.

S. R. O. No. 368/84.—Whereas under clause (d) of sub-rule (1) of rule 44 of the Kerala Co-operative Societies Rules, 1969, (hereinafter referred to as the said rules), no member of the society shall be eligible for being elected or appointed as a member of the committee of the society under section 28 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), if he is interested directly or indirectly in any contract made with the society or in any sale or purchase made by the society privately or in any auction or in any transaction of the society other than investment and borrowing involving financial interest, if the contract or transaction is subsisting or if the contract, sale, purchase or transaction be not completed;

And whereas, under clause (a) of sub-rule (2) of rule 44 of the said rules, a member of the committee of a society shall cease to hold office as such if he becomes disqualified under sub-rule (1) of the said rule 44;

And whereas it has become necessary for the Mundakkayam Co-operative Consumers' Stores Limited No. K. 303, Mundakkayam, to take on lease the building owned by Shri P. D. Joseph, President of the Mundakkayam Co-operative Consumers' Stores Limited No. K. 303, Mundakkayam, for running its Maveli Store;

And whereas Shri P. D. Joseph is member and President of the committee of the said society and a contract by the said society for taking on lease the building owned by Shri P. D. Joseph, will attract the provisions in clause (d) of sub-rule (1) read with clause (a) of sub-rule (2) of rule 44;

And whereas the said society, has requested Government to exempt it from the provisions of rule 44 of the said rules to enable it to take on lease the said building without Shri P. D. Joseph being disqualified to continue as member and president of the committee of the said society;

And whereas the Government consider it necessary in the public interest to exempt the Mundakkayam Co-operative Consumers' Stores Limited No. K. 303, Mundakkayam from clause (d) of sub-rule (1) and clause (a) of sub-rule (2) of rule 44 of the said rules for the purpose of enabling it to take on lease the said building without Shri P. D. Joseph being disquailfied to continue as member and president of the committee of the said society;

Now, therefore, in exercise of the powers conferred by rule 181 of the Kerala Co-operative Societies Rules, 1969 the Government of Kerala hereby exempt the Mundakkayam Co-operative Consumers' Stores Limited No. K. 303, Mundakkayam, from the provisions of clause (d) of sub-rule (1) and clause (a) of sub-rule (2) of rule 44 of the said rules for the limited purposes of enabling the said society to take on lease the building owned by Shri P. D. Joseph, President of the said society without P. D. Joseph, being disqualified to continue as member and President of the committee of the said society.

By order of the Governor,
M. R. Vasudevan Pillai,
Additional Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

It has become necessary for the Mundakkayam Co-operative Consumers' Stores Limited No. K. 303, Mundakkayam to take on lease the building owned by Sri P. D. Joseph, President of the Mundakkayam Co-operative Consumers' Stores Limited No. K. 303, Mundakkayam, for running its Maveli Store. The said society has requested that it may be exempted from the provisions of rule 44 of the Kerala Co-operative Societies Rules to enable it to take on lease the said building without Sri P. D. Joseph being disqualified to continue as member and President of the committee of the said society. Government consider it necessary in the Public interest to exempt the said society from the provisions of the Kerala Co-operative Societies Rules.

This notification is to achieve the above object.



GOVERNMENT OF KERALA

Local Administration and Social Welfare (L) Department

NOTIFICATION

G.O. (P) No. 73/84/LA & SWD. *Dated, Trivandrum, 20th March 1984.*

S.R.O.No.369/84.—In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Special Rules for the Kerala Public Health Engineering Subordinate Service published under Notification G O. (P) No. 403/Public (Rules) Department dated the 14th October, 1966, in Part I of the Kerala Gazette No. 44 dated the 8th November, 1966, namely.—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Special Rules for the Kerala Public Health Engineering Subordinate Service (Amendment) Rules 1984.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Special Rules for the Kerala Public Health Engineering Subordinate Service, rule 6 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

(2) Experience prescribed for direct recruitment to any category shall be one acquired after obtaining the basic academic or other qualifications for such category.

Explanation.—Practical experience gained by holding temporary or regular appointments in Government service as well as in public or registered private sector undertakings shall alone be accepted as experience for the purpose of direct recruitment.

Notes:—(1) Temporary or regular appointment in registered private sector undertaking shall mean temporary or permanent appointment in—

(i) Co-operative registered Societies under the Kerala Co-operative Societies Act ;

(ii) Small scale industrial units registered with the Industries Development Commissioner ; and

(iii) Industrial Institutions wherein Government have investments.

(2) Experience gained as workers on daily wages of a permanent nature shall also be accepted, provided the service is continuous and not of a casual nature.

By order of the Governor,

M.S K. RAMASWAMY,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended only to indicate the general purport).

The Public Service Commission, has been holding the view that "experience" prescribed as qualification for posts in addition to basic academic or other qualifications should be one acquired after acquisition of the basic academic or other qualifications and that experience before the acquisition of such qualifications need not be reckoned. The High Court in an O.P. held that the above stand of the Public Service Commission cannot be accepted since the special rules or orders prescribing experience as qualification do not contain any specific provision that the experience acquired after the acquisition of the academic or other qualification alone will be accepted. Having examined the observation of the High Court it has been decided to specify, that experience whenever appears in the different Special Rules, should be one acquired after obtaining the basic academic and other qualifications. The above amendment is to specify the same in the Public Health Engineering Subordinate Service Special Rules.

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 418/B1/83/RD. *Dated, Trivandrum, 8th March* 1984.

S. R. O. No. 370/84.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the land mentioned in the Schedule hereto annexed in respect of which Notification No. Cl-13529/80 dated, the 29th September, 1980 under subsection (1) of section 3 of the said Act has been published in the Mathrubhumi Daily dated, the 23rd February, 1981 and in the Deshabhimani Daily, dated, the 14th February, 1981.

SCHEDULE

District—Kozhikode *Taluk*—Kozhikode
Village—Chelavoor *Desom*—Chelavoor

Re-Sy. No.—216/1A1.
Description—Garden
Extent —0.400 *hectare.*

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

In response to the rule 3 notices, land owners filed objection petitions against the acquisition. After considering the objection petitions, it was decided to drop the land acquisition proceedings and an alternate site has been selected for the purpose.

It has necessitated to withdraw from the Land Acquisition Proceedings initiated in this case. No Compensation is payable under section 52 (2) of the Kerala Land Acquisition Act. Since no damage has been caused to the landowners due to acquisition.

എസ്. ആർ. ഒ. നമ്പർ 370/84.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കേരള സർക്കാർ, ഇതോടൊന്നിച്ച് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള 1980 സെപ്റ്റംബർ 29-ാം തീയതിയിലെ ബി1.-13529/80 എന്ന നമ്പർ വിജ്ഞാപനം 1981 ഫെബ്രുവരി 23-ാം തീയതിയിലെ മാതൃഭൂമി ദിനപ്പത്ര

ത്തിലും 1981 ഫെബ്രുവരി 14-ാം തീയതിയിലെ ദേശാഭിമാനി ദിനപ്പത്രത്തിലും പ്രസിദ്ധപ്പെടുത്തിയിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കോഴിക്കോട്.

താലൂക്ക്—കോഴിക്കോട്.

വില്ലേജ്—ചെലവൂർ.

ദേശം—ചെലവൂർ.

സർവ്വെ നമ്പർ—216/1എ1.
വിവരണം—തോട്ടം.
വിസ്തീർണ്ണം—0.400 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല; എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

3-ാം ചട്ടപ്രകാരമുള്ള നോട്ടീസിന് പ്രത്യുത്തരമായി സ്ഥലത്തിന്റെ ഉടമസ്ഥർ സ്ഥലമെടുപ്പിന് എതിരായി ആക്ഷേപഹർജികൾ ഫയൽ ചെയ്തു. ആക്ഷേപഹർജികൾ പരിശോധിച്ചശേഷം സ്ഥലമെടുപ്പു നടപടികൾ ഉപേക്ഷിക്കുന്നതിന് തീരുമാനിക്കുകയും പ്രസ്തുത ആവശ്യത്തിനുവേണ്ടി വേറെ സ്ഥലം തെരഞ്ഞെടുക്കുകയും ചെയ്തു. അതിനാൽ ഈ കാര്യത്തിൽ ആരംഭിച്ച സ്ഥലമെടുപ്പ് നടപടികളിൽനിന്നും പിൻവാങ്ങേണ്ടത് ആവശ്യമായിത്തീർന്നു. സ്ഥലമെടുപ്പുമൂലം ഭൂവുടമസ്ഥർക്ക് നഷ്ടമുണ്ടാകാത്തതിനാൽ കേരളാ സ്ഥലമെടുപ്പ് ആക്ട് 52 (2) വകുപ്പു പ്രകാരം നഷ്ടപരിഹാരം കൊടുക്കേണ്ടതില്ല.

By order of the Governor,

N. M. Samuel,

Deputy Secretary to Government.

GOVERNMENT OF KERALA

Home (SS.B) Department

NOTIFICATION

G. O. (MS.) No. 30/84/Home. *Dated, Trivandrum, 15th March* 1984.

S. R. O. No. 373/84.—Whereas the places specified in the schedule below are of vital importance to the Country ;

And whereas information with respect thereto or the destruction or obstruction thereof or interference therewith would be useful to an enemy;

Now, therefore, in exercise of the powers conferred by sub-clause (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923 (Central Act 19 of 1923) read with the notification S. O. No. 1285 dated the 4th May, 1963 of the Ministry of Home Affairs, Government of India, the Government of Kerala hereby declare the places specified in the schedule below to be prohibited places for the purposes of the said Act and direct that a copy of this notification in English and Malayalam versions be affixed to the said places.

Sl. No.	Name of Installation	Location	Survey No.	Area
(1)	(2)	(3)	(4)	(5)
1.	66 K.V. Substation, Aroor.	Aroor Chemical Industrial Estate	407/12, 411/3, 411/2-12/2	6070 Sq. Metres
2.	66 K.V. Substation, Mavelikkara.	Mavelikkara	95/4, 95/5, 95/6A, 95/6B 95/6C, 115/1 115/3-2, 115/4-2	2. 50095 Hectares
3.	66 K.V. Substation, Quilon.	Ayathil	2054/1 2055/1	3.86 Hectares
4.	66 K.V. Substation, Karunagappally.	Puthiyakavu	16202	0.96719 Hectares

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Name of Village	Name of Taluk	Name of District	Name of Police Station	Boundary or other description
(6)	(7)	(8)	(9)	(10)
Aroor	Shertallai	Alleppey	Kuthiathodu	North—Inland Canal South—Industrial Estate Road East —Sajee Enterprises West —Jaihind Oil Mills
Mavelikkara	Mavelikkara	Alleppey	Mavelikkara	North—Colony road South—95/B95, 95F East —Colony road West —Public road
Vadakkevila	Quilon	Quilon	Quilon East	North—Quilon Kannanellor road South—Paddy field East —Pedestrian Pathway West —Private Property
Karunagappally	Karunagappally	Quilon	Karunagappally	North—Kulasekharapuram Village South—Sy. No. 16203, 206 East —Sy. No. 16207 West —16201, National High Way

(1)	(2)	(3)	(4)	(5)
5.	66 K.V. Substation, Parippally.	2 km. East of Parippally Junction in National Highway 47	12741/4, 12742/8 12742/9, 12742/10 12743/4, 12743/5 12741/1	1.1418 Hectares
6.	66 K.V. Substation, Alleppey.	Near Power House bridge in National Highway 47	292/7-7-17, 7-8-15, 8-1, 8-2, 8-3, 8-4-18, 3-2 and 8-7	0.5524 Hectare
7.	66 K.V. Substation, Thiruvalla.	Theepany	202/2B, 203/1A 160/2A	98.7 Ares

(6)	(7)	(8)	(9)	(10)
Kallu-vathukkal	Quilon	Quilon	Parippally	North—Substation Quarters South—Private Property East —Road West —Road
Aryad South	Ambala-puzha	Alleppey	Thumpoly, Alleppey	North—Private Property South—Municipal bye road from Power House bridge East —Electricity Division Store & Billing Unit Premises West —National Highway 47
Thiruvalla	Thiruvalla	Alleppey	Thiruvalla	North—CSI. Church Com-pound South—Thiruvalla-Kozhen-chery road East —Private Property Pynum-moottil House West —CSI. Church Com-pound

(1)	(2)	(3)	(4)	(5)
8.	66 K.V. Substation, Kanjirappally.	Mannarkayam	391/1/1 391/2/1 391/1/2 391/2/2 391/3/1	1.5998 Hectares
9.	66 K.V. Substation, Edarikode.	Edarikode	41/1, 2 48/3	3950 Sq. Metres
10.	66 K.V. Substation, Pamba.	Pamba	Reserve Forest area	0.125 Hectare

(6)	(7)	(8)	(9)	(10)
Kanjirapally	Kanjirappally	Kottayam	Ponkunnam	North—Private Property South—Private Property East —T.B Road linking K.K. road and Manimala Kanjirappally Road West —Private Property
Thennala	Tirur	Malappuram	Kottakkal	North—Narrow Passage cum drain South—Substation Compound East —Substation Compound West —Dry land R.S.No. 48
Vadasserikkara	Ranni	Pathanamthitta	Moozhiyar	North—Reserve Forest South—Reserve Forest East —Vandiperiyar—Kakki-road West —Reserve Forest

Explanatory Note

(This does not form part of the notification but is intended to give its general purport.)

It is considered that the placees mentioned in the schedule should be declared as prohibited places under the Indian Official Secrets Act, 1923 since the installations are of national importance. The above notification is intended to achieve this object.

എസ്. ആർ. ഒ. നമ്പർ. 373/84.—താഴെ പട്ടികയിൽ പ്രത്യേകം പറഞ്ഞിട്ടുള്ള സ്ഥലങ്ങൾ രാജ്യത്തിന് മർമ്മപ്രധാനമായതിനാലും ;

അതു സംബന്ധിച്ചുള്ള വിവരമോ, അഥവാ അതു നശിപ്പിക്കുന്നതോ തടസ്സപ്പെടുത്തുന്നതോ അഥവാ അതിൻമേലുള്ള ഇടപെടലോ ശത്രുവിന് പ്രയോജനകരമായിത്തീരുമെന്നുള്ളതിനാലും ;

ഇപ്പോൾ, അതിനാൽ, ഭാരത സർക്കാരിന്റെ, ആഭ്യന്തരമന്ത്രി കാര്യാലയം വക 1963 മേയ് 4-ാം തീയതിയിലെ എസ്. ഒ. 1285 എന്ന നമ്പർ വിജ്ഞാപനത്തോടു ചേർത്തു വായിച്ചപ്രകാരമുള്ള 1923-ലെ ഇൻഡ്യൻ ഔദ്യോഗിക രഹസ്യ ആക്റ്റ് (1923-ലെ 19-ാം കേന്ദ്ര ആക്റ്റ്) 2-ാം വകുപ്പ് 8-ാം ഖണ്ഡം (ഡി) എന്ന ഉപഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരള സർക്കാർ പ്രസ്തുത ആക്റ്റിന്റെ ആവശ്യങ്ങൾക്കുവേണ്ടി താഴെ പട്ടികയിൽ പ്രത്യേകം പറഞ്ഞിട്ടുള്ള സ്ഥലങ്ങളെ നിരോധിത സ്ഥലങ്ങളായി ഇതിനാൽ പ്രഖ്യാപിക്കുകയും ഈ വിജ്ഞാപനത്തിന്റെ ഇംഗ്ലീഷിലും മലയാളത്തിലുമുള്ള ഓരോ പകർപ്പ് പ്രസ്തുത സ്ഥലങ്ങളിൽ പതിക്കേണ്ടതാണെന്ന് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

പട്ടിക

ക്രമ നമ്പർ	ഇൻസ്റ്റലേഷന്റെ പേര്	സ്ഥാനം	സർവ്വെ നമ്പർ	വിസ്തീർണ്ണം
(1)	(2)	(3)	(4)	(5)
1.	66 കെ. വി. സബ് സ്റ്റേഷൻ, അരൂർ	അരൂർ കെമിക്കൽ ഇൻഡസ്ട്രിയൽ എസ്റ്റേറ്റ്	407/12, 411/3, 411/2-12/2	6070 ച. മീ.
2.	66 കെ. വി. സബ് സ്റ്റേഷൻ, മാവേലിക്കര	മാവേലിക്കര	95/4, 95/5 95/6എ, 95/6ബി, 95/6സി, 115/1, 115/3, 2, 115/4, 2	2.50095 ഹെ.
3.	66 കെ. വി. സബ്സ്റ്റേഷൻ, കൊല്ലം	അയത്തിൽ	2054/1 2055/1	3.86 ഹെ.
4.	66 കെ. വി. സബ്സ്റ്റേഷൻ, കരുനാഗപ്പള്ളി	പുതിയകാവ്	16202	0.96719 ഹെ.
5.	66 കെ. വി. സബ്സ്റ്റേഷൻ, പാരിപ്പള്ളി	എൻ. എച്ച്. 47-ൽ പാരിപ്പള്ളി ജംഗ്ഷനിൽ നിന്നും 2 കി. മീ. കിഴക്ക്	12741/4, 12742/8, 12742/9, 12742/10, 12743/4, 12743/5, 12741/1	1.1418 ഹെ.

വില്ലേജിൻെറ പേര്°	താലൂക്കിൻെറ പേര്°	ജില്ലയുടെ പേര്°	പോലീസ്° സ്°റേഷ ൻെറ പേര്°	അതിർത്തി അഥവാ മററുവിവരങ്ങഠം
(6)	(7)	(8)	(9)	(10)
അരൂർ	ചേർത്തല	ആലപ്പുഴ	കുത്തിയതോട്°	വടക്ക്° — ഇൻലാൻറ്° കനാൽ കിഴക്ക്°—സാജി എൻറർ പ്രൈസസ്°, തെക്ക്° — ഇൻഡസ്°ട്രിയൽ എസ്°റേററ്° റോഡ്° പടിഞ്ഞാറ്°— ജയഹിന്ദ്° ഓയിൽ മിൽസ്°
മാവേലിക്കര	മാവേലിക്കര	,,	മാവേലിക്കര	വടക്ക്° — കോളനി റോഡ്° കിഴക്ക്° — കോളനി റോഡ്° തെക്ക്° — 95/ ബി / 95, 95 എഫ്° പടിഞ്ഞാറ്°— പബ്ലിക്° റോഡ്°
വടക്കേവിള	കൊല്ലം	കൊല്ലം	കൊല്ലം കിഴക്ക്°	വടക്ക്° — കൊല്ലം, കണ്ണനല്ലൂർ കിഴക്ക്°—നടപ്പാത തെക്ക്°—നെൽപ്പാടം പടിഞ്ഞാറ്°— സ്വകാര്യ വസ്°തു
കരുനാഗപ്പള്ളി	കരുനാഗപ്പള്ളി	കൊല്ലം	കരുനാഗപ്പള്ളി	വടക്ക്° — കുലശേഖരപുരം വില്ലേജ്° കിഴക്ക്°—സർവ്വെ നമ്പർ 16207 തെക്ക്°—സർവ്വെ നമ്പർ 16203, 206 പടിഞ്ഞാറ്° — 1620ı നാഷണൽഹൈവേ47
കല്ലുവാതുക്കൽ	കൊല്ലം	കൊല്ലം	പാരിപ്പള്ളി	വടക്ക്° — സബ്°സ്°റേഷൻ ക്വാർട്ടേഴ്°സ്° കിഴക്ക്°—റോഡ്° തെക്ക്° — സ്വകാര്യഭൂമി പടിഞ്ഞാറ്°—റോഡ്°

(2)	(3)	(4)	(5)
6. 66 കെ. വി. സബ്സ്റേറഷൻ, ആലപ്പുഴ	എൻ. എച്ച്. 47-ൽ പൗവർഹൗസ് പാലത്തിനു സമീപം	292/7-7-17, 7-8-15, 8-2, 8-3, 8-4-18, 3-2, 8-7	.5524 ഹെ.
7. 66 കെ. വി. സബ്സ്റേറഷൻ തിരുവല്ല	തീപ്പനി	202/2 ബി, 203/1എ, 160/2എ	98.7 ആർ
8. 66 കെ. വി. സബ്സ്റേറഷൻ, കാഞ്ഞിരപ്പള്ളി	മണ്ണാർക്കയം	391/1/1, 391/2/1, 391/1/2, 391/2/2 391/3/1	1.5998 ഹെ.
9. 66 കെ. വി. സബ്സ്റേറഷൻ ഇടരിക്കോട്	ഇടരിക്കോട്	41/1, 2, 48/3	3950 ച. മീ.
10. 66 കെ. വി. സബ്സ്റേറഷൻ, പമ്പ	പമ്പ	റിസർവ് വനപ്രദേശം	0.125 ഹെ.

(6)	(7)	(8)	(9)	(10)
ആര്യാട് തെക്ക്	അമ്പലപ്പുഴ	ആലപ്പുഴ	തുമ്പോളി, ആലപ്പുഴ	വടക്ക് – സ്വകാര്യഭൂമി കിഴക്ക് – ഇലക്ട്രിക്കൽ ഡിവിഷൻ സ്റ്റോറും ബില്ലിംഗ് യൂണിറ്റ് പരിസരവും തെക്ക്–പവർ ഹൗസ് പാലത്തിൽ നിന്നുള്ള മുനിസിപ്പൽ ബൈ റോഡ് പടിഞ്ഞാറ്–നാഷണൽ ഹൈവേ 47
തിരുവല്ല	തിരുവല്ല	ആലപ്പുഴ	തിരുവല്ല	വടക്ക്-സി.എസ്.ഐ. പള്ളി കോമ്പൗണ്ട് കിഴക്ക്– സ്വകാര്യഭൂമി പൈനമൂത്തിൽവീട് തെക്ക് – തിരുവല്ല— കോഴഞ്ചേരി റോഡ് പടിഞ്ഞാറ് –സി. എസ്. ഐ. പള്ളി കോമ്പൗണ്ട്
കാഞ്ഞിരപ്പള്ളി	കാഞ്ഞിരപ്പള്ളി	കോട്ടയം	പൊൻകുന്നം	വടക്ക് – സ്വകാര്യ വസ്തു കിഴക്ക് – കെ. കെ. റോഡിനെ ബന്ധിപ്പിക്കുന്ന റി. ബി. റോഡും, മണിമല കാഞ്ഞിരപ്പള്ളി റോഡും. തെക്ക് – സ്വകാര്യ വസ്തു പടിഞ്ഞാറ് – സ്വകാര്യ വസ്തു
തെന്നല	തിരൂർ	മലപ്പുറം	കോളക്കയൽ	വടക്ക് – ഇടുങ്ങിയ വഴിയും വഴിച്ചാലും കിഴക്ക്– സബ്സ്റ്റേഷൻ കോമ്പൗണ്ട് തെക്ക്—സബ് സ്റ്റേഷൻ കോമ്പൗണ്ട് പടിഞ്ഞാറ്—പുരയിടം ആർ.എസ്.നമ്പർ 48
വടശ്ശേരിക്കര	റാന്നി	പത്തനംതിട്ട	മൂഴിയാർ	വടക്ക്–റിസർവ് വനം കിഴക്ക് – വണ്ടിപ്പെരിയാർ—കക്കി റോഡ് തെക്ക്–റിസർവ് വനം പടിഞ്ഞാറ്– റിസർവ് വനം

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല, എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്താൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻസ്റ്റലേഷനുകൾ ദേശീയപ്രാധാന്യമുള്ളവയാകയാൽ 1923-ലെ ഇൻഡ്യൻ ഔദ്യോഗിക രഹസ്യ ആക്റ്റ് പ്രകാരം പട്ടികയിൽ പറഞ്ഞിരിക്കുന്ന സ്ഥലങ്ങളെ നിരോധിത സ്ഥലങ്ങളായി പ്രഖ്യാപിക്കേണ്ടതാണെന്നു കരുതുന്നു. ഈ ആവശ്യം നിറവേറ്റുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് മേൽപ്പറഞ്ഞ വിജ്ഞാപനം.

By order of the Governor,

N. KALEESWARAN,

Commissioner and Secretary to Government.

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 4675-Leg. C3/84/Law. *Dated, Trivandrum, 10th April, 1984/ 21st Chaithra, 1906.*

The following Ordinance promulgated by the Governor on the 9th day of April, 1984, is bereby published for general information.

By order of the Governor,

K. Sreedharan,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

ORDINANCE No. 22 OF 1984

THE KERALA LABOUR WELFARE FUND (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Labour Welfare Fund Act, 1975.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala Labour Welfare Fund (Amendment) Ordinance, 1984 (18 of 1984), promulgated by the Governor of Kerala on the 23rd day of February, 1984, will cease to operate on the 13th day of April, 1984;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Labour Welfare Fund (Amendment) Ordinance, 1984.

(2) Section 6 shall be deemed to have come into force on the 1st day of January, 1983 and the remaining provisions of this Ordinance shall be deemed to have come into force on the 25th day of February, 1984.

2. *Act* 11 *of* 1977 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Labour Welfare Fund Act, 1975 (11 of 1977) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 9.

3. *Amendment of section* 2.—In section 2 of the principal Act,—

(1) in clause (d),—

(a) in sub-clause (i),—

(i) in the opening paragraph, for the words "for a period of one hundred and fifty days in an year", the words "for an aggregate period of not less than thirty days during the preceding twelve months" shall be substituted;

(ii) in item (B), for the words "seven hundred and fifty rupees", the words "one thousand and five hundred rupees" shall be substituted;

(b) the Explanation at the end shall be omitted;

(2) in clause (f),—

(a) for sub-clause (iii), the following sub-clause shall be substituted, namely:—

"(iii) any land used for growing tea, rubber, coffee, cardamom oil palm or cocoa, in which ten or more persons are employed or were employed in any day of the preceding twelve months;";

(b) in sub-clause (iv),—

(i) after the word, brackets and figure "clause (4)", the words, brackets and figure "or any shop within the meaning of clause (15)" shall be inserted;

(ii) the provisos shall be omitted.

4. *Amendment of section* 3.—In sub-section (2) of section 3 of the principal Act,—

(i) in clause (b), for the words, figures and brackets "Standing Order 20 of the Model Standing Orders issued under the Kerala Industrial Employment (Standing Orders) Rules, 1947", the words, figures and brackets "Standing Order 17 of the Model Standing Orders issued under the Kerala Industrial Employment (Standing Orders) Rules, 1958" shall be substituted;

(ii) clause (1) shall be omitted.

5. *Substitution of new section for section* 14.—For section 14 of the principal Act, the following section shall be substituted, namely:—

"14. *Interest on the employers' and employees' contributions, unpaid accumulations or fines after notice of demand.*—(1) If an employer does not pay to the Fund any amount of the employers' and employees' contributions due under section 15 before the date specified in that section or does not pay to the

Board any amount of the unpaid accumulations or fines realised from the employees within the time specified by or under this Act, the Commissioner may serve or cause to be served on such employer a notice to pay the amount within the period specified therein, which shall not be less than thirty days from the date of service of such notice.

(2) If the employer fails, without reasonable cause, to pay the amount specified in a notice issued under sub-section (1) within the period specified therein, he shall be liable to pay, in addition to that amount, to the Fund or the Board, as the case may be, by way of penalty, simple interest at the rate of nine per cent per annum from the date on which the amount fell due:

Provided that the Government may, subject to such conditions as may be prescribed, remit the whole or any part of the penalty in respect of any period.".

6. *Amendment of section* 15.—In section 15 of the principal Act, in sub-section (1), for the words "fifty paise" and "one rupee", the words "one rupee" and "two rupees" shall respectively be substituted.

7. *Insertion of new section* 28*A*.—After section 28 of the principal Act, the following section shall be inserted, namely:—

"28A. *Penalties for other offences*.—(1) Whoever contravenes, or make default in complying with, any of the provisions of this Act or of any rules or regulations made thereunder shall, if no penalty is provided in section 28 for such contravention or default, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) A court while passing a judgment convicting a person under sub-section (1) for making default in the payment of any amount due to the Fund or the Board shall also order that such amount be recovered from such person as if it were a fine imposed by such court and paid to the Fund or the Board, as the case may be.".

8. *Amendment of section* 29.—In sub-section (1) of section 29 of the principal Act, for the words "except on a complaint by, or with the previous sanction in writing of, the Commissioner", the words "except on a complaint made by an Inspector with the previous sanction in writing of the Commissioner" shall be substituted.

9. *Amendment of section* 31.—In section 31 of the principal Act,—

(a) for the words "the date on which the offence is alleged to have been committed", the words "the date on which the offence came to the notice of the Inspector" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that no court shall take cognizance of an offence punishable by or under this Act after the expiry of three years from the date on which the offence is alleged to have been committed.".

10. *Repeal and saving.*—(1) The Kerala Labour Welfare Fund (Amendment) Ordinance, 1984 (18 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.